

RECEIVEDUnited States District Court
STATE AND DISTRICT OF MINNESOTA

FEB 23 2011

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

Case Number:

V.

MS-11-71 FLW

RODOLFO GOMEZ-OLVERA

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 7, 2011, in Hennepin County, in the State and District of Minnesota, defendant, an alien who had previously been deported from the United States on or about July 5, 1995, subsequent to conviction for an aggravated felony, namely, a conviction on or about February 23, 1995, in Riverside County, California, for Unlawful Sex with a Minor, knowingly and unlawfully entered and was found in the United States without having obtained the consent of the Attorney General of the United States, or his successor, the Secretary of Homeland Security, to re-apply for admission into the United States in violation of Title 8, United States Code, Section(s) 1326(a) & 1326(b)(2).

SEE ATTACHED AFFIDAVIT

in violation of Title 8, United States Code, Section(s) 1326(a) and 1326(b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

2/23/11

The Honorable Franklin L. Noel
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer



Signature of Complainant

Dustin Halverson

BICE

Minneapolis, MN

City and State


Signature of Judicial Officer

FEB 23 2011

U.S. DISTRICT COURT MP

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

AFFIDAVIT OF Dustin Halverson

Dustin Halverson, being duly sworn, deposes and states as follows:

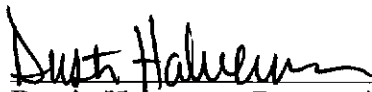
1. I have been employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) since April 2007. In August 2009, I was promoted to Deportation Officer.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for reviewing alien files (commonly known as "A files") in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about February 7, 2011, in Hennepin County, in the State and District of Minnesota, Rodolfo GOMEZ-Olvera unlawfully reentered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that GOMEZ-Olvera's removal was subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and

1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On January 21, 2011, GOMEZ-Olvera was arrested in Hennepin County, in the State and District of Minnesota, by members of the Minneapolis Police Department. GOMEZ-Olvera was arrested for Driving without a Valid Drivers License. On or about January 21, 2011, GOMEZ-Olvera was encountered by ICE Officers through a review of booking sheets during routine Criminal Alien Program (CAP) duties at the Hennepin County Adult Detention Center. GOMEZ-Olvera had been released prior to an interview with ICE Officers. ICE later identified GOMEZ-Olvera as having been previously removed from the United States without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States. GOMEZ-Olvera's case was referred to ICE Fugitive Operations.
6. On February 23, 1995, GOMEZ-Olvera was convicted of the felony offense of Unlawful Sex with a Minor, in the Mt. San Jacinto Judicial District, at Riverside, California in violation of Section 261.5 of the California Penal Code. On February 23, 1995, GOMEZ-Olvera was sentenced to 180 days incarceration and 36 months probation.
7. GOMEZ-Olvera's immigration file indicates that he has been previously arrested and removed from the United States on one occasion. On July 5, 1995, GOMEZ-Olvera was removed from the United States to Mexico at the Nogales, Arizona port of entry.
8. Law enforcement has confirmed through fingerprints and photographs contained in GOMEZ-Olvera's criminal history and immigration file that the individual named

Rodolfo GOMEZ-Olvera referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on February 7, 2011, by ICE Fugitive Operations.

9. My investigation has revealed that GOMEZ-Olvera is a citizen and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States.
10. Based on these facts, I have reason to believe that GOMEZ-Olvera unlawfully reentered and was found in the United States after removal, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557. Further Your Affiant Sayeth Not.



Dustin Halverson, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 23rd day of February, 2011.



United States Magistrate Judge